



## MINUTES

### MERCHANTVILLE JOINT LAND USE BOARD

Borough Hall Council Chambers  
1 West Maple Avenue, Merchantville, NJ 08109  
Tuesday, January 21, 2020, 7:30pm

- 1. CALL TO ORDER.** Mr. Madden called the meeting to order and explained the various ways how the notice of the meeting had been provided in accordance with the Open Public Meetings Act.
- 2. PLEDGE OF ALLEGIANCE.** All persons present stood for the pledge of allegiance.
- 3. SWEARING IN OF NEW MEMBERS.** Mr. Madden swore in Mr. Woods as the Class III member, Mr. Lou Fiume and Mr. Daniel Licata as Class IV members, and Ms. Jennifer Lehman as a new Class IV alternate. Mr. DeSimone has been reappointed as Mayor's designee, but is not present to be sworn in.
- 4. ROLL CALL.** Mr. Madden took the roll call.

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X	Absent	X	Absent*	X	X	X	X	X		

Mr. Jeff Hanson, and Ms. Wuebker were also present.

#### 5. ADMINISTRATIVE ITEMS FOR REORGANIZATION.

- a. Election of Chair.** Mr. Uricchio made a motion to elect Mr. Brennan as the Chairperson, which was seconded by Ms. Stewart. The Board members present voted as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
Abstain		X		X	X	X	X	X		

- b. Election of Vice-Chair.** The meeting was turned over to Mr. Brennan. Mr. Uricchio made a motion to elect Mr. Lammey as Vice-Chairperson, which was seconded by Ms. Stewart. The Board members present voted as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X		X	X	X	X	X		

Ms. Wuebker stated that she asked Mr. Lammey earlier in the day if he were to be re-elected as the Vice Chair whether he would be willing to serve in that role and he agreed that he would.

- c. Appointment of Secretary.** Mr. Woods made a motion to appoint Ms. Wuebker as the secretary, which was seconded by Mr. Uricchio. Ms. Wuebker accepts the position. The Board members present voted as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X		X	X	X	X	X		

d. **Appointment of Engineer.** Mr. Uricchio made a motion to appoint Mr. Jeff Hanson as the Board Engineer, which was seconded by Ms. Stewart and was voted on as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X		X	X	X	X	X		

e. **Appointment of Solicitor.** Mr. Uricchio made a motion to appoint Mr. Matthew Madden as the Board Solicitor, which was seconded by Mr. Woods and was voted on as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X		X	X	X	X	X		

f. **Establishment of Meeting Dates.** Ms. Stewart made a motion to accept the proposed meeting dates for 2020, consisting of the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of every month (the latter dates only if needed) at 7:30pm, with a January 12, 2021 Reorganization date. The motion was seconded by Mr. Woods and was voted on as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X		X	X	X	X	X		

g. **Adoption of Official Newspapers.** Mr. Madden advised notice has to be in the newspaper by law. We've traditionally done the Courier Post and the Retrospect. Mr. Brennan asked whether would want to also require it to be on the website. Ms. Wuebker advised that she does that already on the Board webpage, and she posts agendas on bulletin boards inside and outside the building. There was discussion about the website front page being outdated.

Mr. Woods made a motion to adopt the Retrospect and the Courier Post as the Official Newspapers for public notice. The motion was seconded by Mr. Uricchio and was voted on as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X		X	X	X	X	X		

## 6. OLD BUSINESS

- Approval of Meeting Minutes - Mr. Uricchio made a motion to adopt the December 10, 2019 meeting minutes that was seconded by Mr. Licata and voted on as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X		X	X	X	X	X		

## 7. NEW BUSINESS

a. **Adoption of Reorganization Resolutions, prepared in anticipation by Mr. Madden.** Mr. Woods made a motion to adopt the afore-mentioned prepared Reorganization resolutions, en masse, that was seconded by Ms. Stewart and voted on as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X		X	X	X	X	X		

\*Mr. Lammey joined the Board meeting at approximately 7:43pm.

**b. Public Hearing - Master Plan Reexamination Report, prepared by the Borough of Merchantville Community Development Director for the Joint Land Use Board, pursuant to N.J.S.A. 40:55D-89**

The Chairman noted that the Board has been working on the Master Plan Reexamination report for a while. Tonight is an opportunity for anyone from the public to ask questions or make comments, or concerns to address to the board. The Board may wish to choose to incorporate, or not incorporate them, into the report.

Maria Nina Scarpa, a resident who lives at 303 St James Avenue, has been a resident for the past 30 years. She wishes she had come more often to the Board so she would have an understanding exactly how we work and why we do what we do. She understands that everyone puts in a lot of energy for the town. She may need more explanation of how things were written in the report and how she interpreted them. She has three comments.

The first comment is with regard to page 16, number 3 regarding the West Maple studies. The document says there are addendums attached, but she had a hard time finding them. She hopes that they can be made available so they can be reviewed and further explored. Ms. Wuebker stated that the proposed Reexamination Report and the exhibits were on file with the Clerk's office. Any documents that are referenced in the report, but have not already been adopted in the past by the Planning Board, are identified as exhibits and have been on file since public notice was provided. The 2010 and 2013 West Maple neighborhood studies were presented to Council, but those studies did not come to the Planning Board for adoption, so they are all listed as exhibits. In earlier versions of the report, some documents weren't specifically listed as exhibits, but the report has since been amended to incorporate them. The Chairman noted that the Board has seen some of the referenced matters, like the redevelopment report for Wellwood Manor. Some ordinances have been seen by the Planning Board for consistency with the master plan, but they were not adopted by the Planning Board, per se. Ms. Scarpa thanked her for being thorough.

Ms. Scarpa asked about the nature of the multi-municipal task force; she wants to make sure there would be input from our town and officials. Ms. Wuebker said in the past there were representatives from Merchantville, Camden and Pennsauken. The Mayors appointed residents, business property owners, and staff to serve on the committee. The report recommends that the committee gets started again to help refocus everyone's energy and resources to the neighborhood. All three communities need to work together, due to the property boundaries. Ms. Scarpa looks forward to it.

Ms. Scarpa thinks that reexamining the Master Plan is vital to our community; it will bring new businesses and people who are experienced to be part of the dialogue about the community. Her concern is that Master Plan Re-examination report was hard to find because it was not on the Borough's website and the library doesn't get the Retrospect. She requested that important documents like this be placed on the Borough website and in the library in the future so that the entire town has access to it, particularly before the redevelopment plan. The Chair agrees that it is a good recommendation for the future. Anything that we can do to put things out to the people before it happens, the better and it should be electronic. Ms. Wuebker explained that it has been on her tickler list to put the master plan on the website and also the reexam to, but there are some technical issues she was having. The Borough website can only accept a certain size limit for uploaded documents. In order to get larger documents on there, she needs to give

it to the Borough's website tech person, etc. She agrees it's important and will work on getting it on there in the future.

Ms. Scarpa also wants to encourage more flexibility for businesses to experiment in the way we use our mixed-use land. She read about the supplemental businesses and activities section in the report on page 19. She is concerned that it is going to be more restrictive, rather than opportunistic. She understands the Board has the last answer on this, but she thinks that if there is a little bit more flexibility, it would allow businesses to try new things. She suggests set rules ... not regulations, that would enable a mixed use business, like a pop up, to have a year to show us how they can comply with the existing ordinances, like noise, but can do additional events. There are some people who live near the downtown who enjoy the various events and pop-up type of activities, while the Borough will also have people who will complain about the noise, for instance, like some of the seniors who live next to the Blue Monkey or who can't get to their apartment a few times a year because of events. She suggests a survey of the residents to get their input. But if we don't do things that are experiential, or new, or vibrant, how are we doing to allow those things to take place in the public portion of the redevelopment area where events are supposed to take place.

The Chair explained that one of the restrictions that the Borough has is that an ordinance can't be effective retroactively. Once a business is in, you can't tell them you can no longer do it. Mr. Woods further explained that the focus of what the Board is trying to accomplish is not necessarily to make things more restrictive, but rather to add clear guidelines. Ms. Scarpa asks where the clear guidelines come from because there aren't any in the master plan report. Ms. Wuebker explained that the Master Plan provides policy, which sets the foundation for the Town's land use regulations. It would be Council who would adopt such an ordinance. The Board will likely draft recommendations to Council, but Council ultimately has the final say.

Ms. Wuebker explained that we've been talking about these issues for the past four months or so and a lot of the Board's discussion has focused on allowing more flexibility and being more business friendly, particularly by taking out the site plan requirements for every change of use. This particular issue on supplemental activities is a result of the problems and challenges she, the fire department, the police department, construction official have all experienced, as a result of activities that have taken place that have not gone through a land use approval process. It's a grey area. We would like to have some sort of clear guidelines so that everyone knows and understands what the rules are. She agrees that pop-ups and additional activities are desirable, but at some point if doing it frequently enough than it should've been part of the applicants land use application process. So that people aren't trying to subvert the process; instead they should be presenting those events and activities as part of their zoning permit or land use application. The businesses should state that they propose to hold classes, or do special events, in their application so the extent of the activities is known from the beginning. The fire department and construction official also need to be aware of the proposed use.

The Chairperson gave the example of yard sales. There was previously a resident who was having weekly yard sales; he was buying junk and reselling it, and in essence, trying to run a businesses out of his front yard. It wasn't fair to the neighbors or to the community. The Borough wound up adopting an ordinance that allowed a certain number of yard sales per year. It is the abuse that causes the problems. Ms. Scarpa thanked everyone for their hard work.

No one else from the public requested to speak regarding the Master Plan Reexamination report.

The Chairman recapped that the Board has reviewed the report in detail over past few months and that we are looking for the greater good of the community; it will never be perfect, but we are trying our best.

Before the Board members vote on the Report, Ms. Wuebker wanted to clarify for the record that there are a few amendments to the original January 8, 2020 document that was sent around to everyone. The section on Environmental Sustainability has been changed as Shade Tree Commission representatives requested some language changes to the section on Urban Forestry. Additionally, the list of exhibits has been expanded, as noted earlier. Board members have the red-line version in front of them. Mr. Licata asked about whether the requested changes regarding first floor uses was incorporated into the final document. Ms. Wuebker confirmed the requested changes were made.

Mr. Lammey made a motion to adopt the Reexamination Report with the updated changes, which was seconded by Mr Licata. The motion was voted on as follows.

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X	X	X	X	X	X	X		

**c. 2019 Annual Report – prepared by the Board Solicitor for the Joint Land Use Board, pursuant to N.J.S.A. 40:55D-70.1**

Mr. Madden summarized the Board annual report to Council that is required to take place by the law. The annual report is intended to summarize the variance applications and to incorporate any suggested changes to the Zoning Ordinance. Given the exhaustive process for the reexamination report, Mr. Madden included a reference to the recommendations for zoning changes outlined in the Master Plan Reexamination. There were 2 residential fence variance applications, one application for a certificate of non-conforming use for a duplex, and an application for a parking variance for 22 North Centre Street, which were all granted. There were no questions for the Solicitor. He also prepared resolutions in advance for this purpose.

Mr. Fiume made a motion to adopt the report and the resolutions that were made in advance, which were seconded by Ms. Stewart and voted on as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X		X	X	X	X	X	X	X		

**3. PROFESSIONAL COMMENTS**

- a. Borough Council Resolution R19-80 - Land Use & Economic Development Recommendations. Ms. Wuebker explained that this request from Council was put on hold while the Board analyzed and made recommendations in the Master Plan Reexamination regarding the Zoning Ordinance and other regulations. She has it here as a reminder, so it doesn't get forgotten. She, Mr. Hanson, and Mr. Madden will start working on suggested changes to the regulations accordingly.
- b. Oaths. Mr. Madden delivered the oaths to the various board members who were sworn in earlier in the evening and asked them to sign their oaths.

**4. BOARD COMMENTS.** The Chairperson solicited comments from the Board, but no one had any.

**5. ADJOURNMENT**

Ms. Stewart made a motion to adjourn that was seconded b Mr. Fiume and was voted on as follows:

<u>Class IV</u>	<u>Class I</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV*</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class IV</u>	<u>Class III</u>	<u>Class II</u>	<u>Class IV*</u>
Brennan	DeSimone	Fiume	Lammey	Lehman	Licata	Stewart	Uricchio	Woods		
X	Absent	X	X	X	X	X	X	X		

The Chair thanked everyone for their efforts in working through the Reexamination. The meeting adjourned approximately about 8:15 pm